

1 MCGREGOR W. SCOTT  
2 United States Attorney  
3 PHILLIP A. TALBERT  
4 Assistant U.S. Attorney  
5 501 I Street, Suite 10-100  
6 Sacramento, CA 95814  
7 Telephone: (916) 554-2700

8 IN THE UNITED STATES DISTRICT COURT FOR THE  
9 EASTERN DISTRICT OF CALIFORNIA

10  
11 UNITED STATES OF AMERICA, ) 2:05-MC-00035 DFL  
12 Plaintiff, ) CONSENT JUDGMENT  
13 v. ) OF FORFEITURE  
14 APPROXIMATELY \$9,960.00 IN U.S. )  
15 CURRENCY, )  
16 Defendant. )  
17 RAMON RAMIREZ and OSBALDO )  
18 RAMIREZ, )  
19 Potential Claimants.)  
\_\_\_\_\_

20 Pursuant to the Stipulation for Consent Judgment of  
21 Forfeiture, the Court finds:

22 1. On October 6, 2004, Ramon Ramirez and Osbaldo Ramirez were  
23 indicted pursuant to 21 U.S.C. §§ 841(a)(1) and 846.  
24 2. On July 23, 2004, a confidential source, acting under the  
25 direction of law enforcement, arranged a meeting with Ramon Ramirez  
26 at a Yuba City, California restaurant. At the meeting, Ramon  
27 Ramirez offered to sell methamphetamine to the confidential source.  
28 The confidential source asked for one-half pound of

1 methamphetamine, and Ramon Ramirez said he would check his sources.  
2 Ramon Ramirez provided the confidential source with a sample of a  
3 substance containing what laboratory testing revealed was 0.6 grams  
4 of methamphetamine.

5       3. Later on July 23, 2004, the confidential source met with  
6 Ramon Ramirez and followed him to his residence in Live Oak,  
7 California. The confidential source provided Ramon Ramirez with  
8 \$3,600 to purchase one-half pound of methamphetamine. Ramon  
9 Ramirez instructed Osbaldo Ramirez to go get it. Osbaldo Ramirez  
10 left, and later returned and said it was ready. The confidential  
11 source then followed Ramon Ramirez and Osbaldo Ramirez to a shed in  
12 the backyard where Ramon Ramirez, with Osbaldo Ramirez present,  
13 weighed out and packaged for the confidential source a substance  
14 containing what laboratory testing revealed was 136.5 grams of  
15 methamphetamine.

16       4. On September 22, 2004, law enforcement officers executed a  
17 federal search warrant at 2712 Donovan Court, Live Oak, California  
18 and arrest warrant on Ramon Ramirez. The law enforcement officers  
19 located 41.7 grams of an unknown white powder substance that was  
20 concealed in a white cardboard box in the garage, approximately  
21 \$4,960.00 in U.S. Currency in a coffee cup and approximately  
22 \$5,000.00 in U.S. Currency in a second coffee cup.

23       5. Ramon Ramirez and Osbaldo Ramirez acknowledge that they  
24 are the sole owners of the defendant approximately \$9,960.00 in  
25 U.S. Currency and that no other person or entity has any legitimate  
26 claim of interest therein. Should any person or entity institute  
27 any kind of claim or action against the government with regard to  
28 its forfeiture of the defendant currency, Ramon Ramirez and Osbaldo

1 Ramirez shall hold harmless and indemnify the United States, as set  
2 forth below.

3 6. This Court has jurisdiction in this matter pursuant to 28  
4 U.S.C. §§ 1345 and 1355, as this is the judicial district in which  
5 acts or omissions giving rise to the forfeiture occurred.

6 7. This Court has venue pursuant to 28 U.S.C. § 1395, as this  
7 is the judicial district in which property was seized.

8 8. The parties herein desire to settle this matter pursuant  
9 to the terms of a duly executed Stipulation for Consent Judgment of  
10 Forfeiture.

11 Based upon the above findings, and the files and records of  
12 the Court, it is hereby ORDERED AND ADJUDGED:

13 9. The Court adopts the Stipulation for Consent Judgment of  
14 Forfeiture entered into by and between the parties.

15 10. All right, title, and interest in \$4,980.00 of the  
16 approximately \$9,960.00 in U.S. Currency seized on or about  
17 September 22, 2004, plus any accrued interest, shall be forfeited  
18 to the United States pursuant to 21 U.S.C. § 881(a)(6), to be  
19 disposed of according to law.

20 11. Upon entry of this Consent Judgment of Forfeiture, but no  
21 later than 30 days thereafter, the U.S. Marshals Service shall  
22 return a total of \$4,980.00 to Ramon Ramirez and Osbaldo Ramirez by  
23 way of a check made payable to Osbaldo Ramirez. Both Ramon Ramirez  
24 and Osbaldo Ramirez agree that the return of their portion shall be  
25 made in this manner. Payment shall be sent to Osbaldo Ramirez at  
26 2712 Donovan Court, Live Oak, California 95953.

27 12. Plaintiff United States of America and its servants,  
28 agents, and employees and all other public entities, their

1 servants, agents and employees, are released from any and all  
2 liability arising out of or in any way connected with the seizure  
3 and/or forfeiture of defendant currency. This is a full and final  
4 release applying to all unknown and unanticipated injuries, and/or  
5 damages arising out of said seizure and/or forfeiture, as well as  
6 to those now known or disclosed. The parties to the Stipulation  
7 filed herein have agreed to waive the provisions of California  
8 Civil Code § 1542, which provides: **"A general release does not**  
**extend to claims which the creditor does not know or suspect to**  
**exist in his favor at the time of executing the release, which if**  
**known by him must have materially affected his settlement with the**  
**debtor."**

13. Pursuant to the Stipulation for Consent Judgment of  
14 Forfeiture filed herein, the Court finds that there was reasonable  
15 cause for the seizure of defendant currency, and a Certificate of  
16 Reasonable Cause pursuant to 28 U.S.C. § 2465 shall be entered  
17 accordingly.

18. All parties will bear their own costs and attorneys'  
19 fees.

20. IT IS SO ORDERED.

21. DATED: May 14, 2007

/s/ David F. Levi

22. DAVID F. LEVI  
United States District Judge

23

24

25

26. **CERTIFICATE OR REASONABLE CAUSE**

27. Pursuant to the Stipulation for Consent Judgment of Forfeiture  
28. filed herein, the Court enters this Certificate of Reasonable Cause

1 pursuant to 28 U.S.C. § 2465, that there was reasonable cause for  
2 the seizure of the above-described currency.

3 DATED: May 14, 2007 /s/ David F. Levi  
4 DAVID F. LEVI  
United States District Judge

5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28